

SENATE SUBSTITUTE TO HB 396

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to the
2 use of safety belts in passenger vehicles, so as to eliminate certain exceptions to the required
3 use of safety belts; to amend provisions of the Official Code of Georgia Annotated relating
4 to drivers and drivers' licenses; to amend Chapter 5 of Title 40 of the Official Code of
5 Georgia Annotated, relating to drivers' licenses, so as to allow the commissioner of driver
6 services to promulgate regulations limiting the retention of conviction and withdrawal
7 information on a driving record; to provide for a fee for a temporary license or identification
8 card; to provide that a driver's license shall not be issued to a person with his or her license
9 or driving privileges suspended in another state; to change the classifications for licenses
10 issued to noncommercial classes of motor vehicles; to change the fees for certain licenses;
11 to change requirements relating to the expiration and renewal of certain licenses; to provide
12 for proper handling of suspensions when multiple convictions are obtained; to provide that
13 fees paid to counties for reporting information contained on the uniform citation form shall
14 be subject to appropriations; to require permit drivers to surrender their permits upon certain
15 convictions; to revise the requirements for submission of fingerprints; to prohibit
16 unauthorized scanning of licenses, permits, and identification cards; to provide that the
17 international handicapped symbol shall be displayed on identification cards issued to persons
18 with disabilities; to revise the requirements for formatting identification cards; to amend
19 Code Section 40-6-395 of the Official Code of Georgia Annotated, relating to fleeing or
20 attempting to elude a police officer and impersonating a law enforcement officer, so as to
21 modify certain conditions when such offense shall be treated as a felony offense; to amend
22 Chapter 13 of Title 40 of Official Code of Georgia Annotated, relating to prosecution of
23 traffic offenses, so as to provide for electronic signatures on uniform traffic citations; to
24 amend Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the
25 Department of Driver Services, so as to provide the department with the power to contract
26 for services; to amend Title 43 of the Official Code of Georgia Annotated, relating to
27 professions and businesses, so as to provide for fingerprinting of certain licensees; to amend
28 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and
29 transportation, so as to provide for fingerprinting of chauffeurs; to provide that every motor

carrier subject to regulation by the Public Service Commission shall be provided information emphasizing that it is illegal to allow persons under the age of 21 to possess or consume alcoholic beverages while being transported; to provide for related matters; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION .5.

Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to the use of safety belts in passenger vehicles, is amended by revising subsection (a) as follows:

"(a) As used in this Code section, the term 'passenger vehicle' means every motor vehicle, including, but not limited to, pickup trucks, vans, and sport utility vehicles, designed to carry ten passengers or ~~less~~ fewer and used for the transportation of persons; provided, however, that such term shall not include motorcycles; motor driven cycles; or off-road vehicles or farm vehicles as defined in Code Section 40-2-150 being used by an owner, driver, or occupant 18 years of age or older ~~but shall not mean pickup trucks, motorcycles, motor driven cycles, or vehicles equipped for off-road use, provided that the term 'passenger vehicle' includes any sport utility vehicle and also includes pickup trucks for any occupant who is under 18 years of age."~~

SECTION .5A.

Notwithstanding any other provision of this Act to the contrary, this section and Section .5 of this Act shall become effective on June 1, 2009.

SECTION 1.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended in Code Section 40-5-2, relating to keeping of records of applications for drivers' licenses and keeping and disseminating information on licensees, by revising subsection (j) as follows:

"(j) The commissioner is authorized to promulgate any rules, regulations, or policies as are necessary to carry out the provisions of this Code section, including the promulgation of regulations limiting the retention of conviction and withdrawal information on a driving record. Notwithstanding the foregoing, any regulation relating to the retention of conviction and withdrawal information on a driving record shall apply the same retention schedule to both commercial and noncommercial drivers. In accordance with paragraph (6) of subsection (a) of Code Section 50-25-4, reasonable fees shall be assessed for furnishing information from records or data bases pursuant to provisions of this Code

section; provided, however, that the fee for furnishing an abstract of a driver's record shall not exceed \$10.00."

SECTION 2.

Said chapter is further amended in Code Section 40-5-21.1, relating to drivers' licenses for noncitizens and evidence of lawful presence in the United States, by revising paragraph (7) of subsection (a) and enacting a new subsection (a.1) as follows:

"(7) Verification of lawful presence as provided by Code Section 40-5-21.2 may be issued a temporary license, permit, or special identification card. Such temporary license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or ~~three~~ five years, whichever occurs first.

(a.1) The fee for issuance or renewal of a temporary driver's license or identification card shall be that established in Code Sections 40-5-25 and 40-5-100 for nontemporary drivers' licenses and identification cards unless the applicant's period of authorized stay is less than five years in which case the fee shall be \$4.00 for each full or partial year for which the applicant is eligible for a temporary driver's license or identification card."

SECTION 3.

Said chapter is further amended in Code Section 40-5-22, relating to eligibility and requirements for issuance of drivers' licenses, by revising subsection (c) as follows:

"(c) The department shall not issue any driver's license to nor renew the driver's license of any person:

(1) Whose ~~license has~~ driver's license or driving privileges have been suspended during such suspension, or whose ~~license has~~ driver's license or driving privileges have been revoked, except as otherwise provided in this chapter;

(2) Whose ~~license is~~ driver's license or driving privileges are currently under suspension or revocation in any other jurisdiction upon grounds which would authorize the suspension or revocation of a driver's license or driving privileges under this chapter;

(3) Who is a habitual user of alcohol or any drug to a degree rendering him or her incapable of safely driving a motor vehicle;

(4) Who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

(5) Who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(6) Who the commissioner has good cause to believe would not, by reason of physical or mental disability, be able to operate a motor vehicle with safety upon the highway; or
(7) Whose driver's license or driving privileges issued by any other jurisdiction ~~is~~ are suspended or revoked by such other jurisdiction during the period such ~~license is~~ driver's license or driving privileges are suspended or revoked by such other jurisdiction."

SECTION 4.

Said chapter is further amended in Code Section 40-5-23, relating to classes of drivers' licenses, by revising subsection (c) as follows:

"(c) The noncommercial classes of motor vehicles for which operators may be licensed shall be as follows:

Class C — Any single vehicle with a gross vehicle weight rating not in excess of 26,000 pounds, any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of 10,000 pounds, any such vehicle towing a vehicle with a gross vehicle weight rating in excess of 10,000 pounds, provided that the combination of vehicles has a gross combined vehicle weight rating not in excess of 26,000 pounds, and any self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or personal conveyance; except that any combination of vehicles with a gross vehicle weight rating not in excess of 26,000 pounds may be operated under such class of license if such combination of vehicles are controlled and operated by a farmer, used to transport agricultural products, livestock, farm machinery, or farm supplies to or from a farm, and are not used in the operations of a common or contract carrier;

Class D — Provisional license applicable to noncommercial Class C vehicles for which an applicant desires a driver's license but is not presently licensed to drive;

Class ~~A~~ E — Any combination of vehicles with a gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds, and all vehicles included within Class ~~B~~ F and Class C;

Class ~~B~~ F — Any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of 10,000 pounds, and all vehicles included within Class C;

Class M — Motorcycles, motor driven cycles, and three-wheeled motorcycles;

Class P — Instruction permit applicable to all types of vehicles for which an applicant desires a driver's license but is not presently licensed to drive.

Any applicant for a Class ~~A~~ E or Class ~~B~~ F license must possess a valid Georgia driver's license for Class C vehicles. A license issued pursuant to this Code section shall not be a commercial driver's license."

SECTION 5.

Said chapter is further amended in Code Section 40-5-24, relating to instruction permits and graduated licensing, by revising subsection (d) as follows:

"(d) Any resident of this state who is at least 18 years of age may apply to the department for an instruction permit to operate noncommercial vehicles in Classes ~~A~~ E and ~~B~~ F. Such permits may be issued only to persons with valid commercial or noncommercial Class C licenses or persons who have passed all required tests for a commercial or noncommercial Class C license. The department shall, after the applicant has successfully passed all parts of the appropriate examination other than the skill and driving test, issue to the applicant an instruction permit which shall entitle the applicant, while having the permit in his or her immediate possession, to operate a vehicle of the appropriate noncommercial class upon the public highways for a period of 12 months when accompanied by a licensed driver, qualified in the vehicle being operated, who is fit and capable of exercising control over the vehicle, and who is occupying a seat beside the driver as an instructor. Prior to being issued a driver's license for Classes ~~A~~ E and ~~B~~ F, the applicant shall pass a knowledge and skill test for driving a Class ~~A~~ E or ~~B~~ F vehicle as provided by the commissioner."

SECTION 6.

Said chapter is further amended in Code Section 40-5-25, relating to driver's license applications and fees, by revising subsections (a) and (b) as follows:

"(a) Every application for an instruction permit or for a driver's license shall be made upon a form furnished by the department. Every application shall be accompanied by the proper license fee. Except as provided in Code Section 40-5-21.1, the ~~The~~ fees shall be as established by the commissioner, not to exceed:

(1) For instruction permits for Classes A, B , C, <u>E, F</u> , and M driver's licenses and for Class D drivers' licenses	\$ 10.00
(2) For five-year Classes A, B , C, <u>E, F</u> , and M noncommercial drivers' licenses.	20.00
(2.1) For ten-year <u>eight-year</u> Classes A, B , C, <u>E, F</u> , and M noncommercial drivers' licenses.	35.00 <u>32.00</u>
(3) For Classes A, B, C, and M commercial drivers' licenses.	20.00

165	(4) For application for Classes A, B, C, and M commercial drivers'	
166	licenses or a Class P commercial driver's instruction permit.	35.00
167	(5) For Class P commercial drivers' instruction permits for Classes A, B,	
168	C, and M commercial drivers' licenses.	10.00
169	(6) For Classes A, B, C, and M commercial drivers' licenses, initial	
170	issuance requiring a road test.	70.00
171	(7) For Classes A, B, C, and M commercial drivers' licenses, initial	
172	issuance not requiring a road test.	20.00
173	(8) For renewal of Classes A, B, C, and M commercial drivers' licenses.	20.00
174	(8.1) For renewal of five-year Classes A, B , C, <u>E, F</u> , and M	
175	noncommercial drivers' licenses.	20.00
176	(8.2) For renewal of ten-year <u>eight-year</u> Classes A, B , C, <u>E, F</u> , and M	
177	noncommercial drivers' licenses.	35.00 <u>32.00</u>
178	(9) Initial issuance of Classes A, B, C, and M commercial drivers'	
179	licenses and Class P commercial drivers' instruction permits shall include	
180	all endorsement fees within the license fee. Each endorsement added after	
181	initial licensing.	5.00
182	The commissioner may by rule provide incentive discounts in otherwise applicable fees	
183	reflecting cost savings to the department where a license is renewed by means other than	
184	personal appearance. The discount for renewal of a Class C or Class M license shall be	
185	\$5.00 and any other discounts shall be as determined by the commissioner. Except as	
186	provided in Code Section 40-5-36, relating to veterans' licenses, and Code Section	
187	40-5-149, relating to application fees for public school bus drivers, there shall be no	
188	exceptions to the fee requirements for a commercial driver's license or a commercial	
189	driver's license permit. Notwithstanding any other provision of this Code section, there	
190	shall be no fee whatsoever for replacement of any driver's license solely due to a change	
191	of the licensee's name or address, provided that such replacement license shall be valid only	
192	for the remaining period of such original license; and provided, further, that only one such	
193	free replacement license may be obtained within the period for which the license was	
194	originally issued. Any application for the replacement of a lost license pursuant to Code	
195	Section 40-5-31 or due to a change in the licensee's name or address submitted within 150	
196	days of the expiration of said license shall be treated as an application for renewal subject	
197	to the applicable license fees as set forth in this subsection.	
198	(b)(1) Each person applying for a Class P commercial or noncommercial instruction	
199	permit for a Class A, B, C, <u>E, F</u> , or M driver's license shall pay the applicable license fee	
200	prior to attempting the knowledge test for the instruction permit sought. If said person	

fails to achieve a passing score on the knowledge test, the license fee paid shall be considered a testing fee and retained by the department. Any person failing to achieve a passing score on the knowledge test for an instructional permit shall pay the applicable license fee on each subsequent attempt until successful, at which time said fee shall be his or her license fee.

(2) Each person applying for a Class A, ~~or B,~~ or C commercial driver's license shall pay the applicable license fee at the time that he or she schedules his or her appointment for said skills test. If said person fails to appear for his or her scheduled skills test appointment or fails to achieve a passing score on the skills test, the license fee paid shall be considered a testing fee and retained by the department. The person shall pay the applicable license fee on each subsequent attempt until successful, at which time said fee shall be his or her license fee. All fees retained by the department pursuant to this Code section shall be remitted to the general fund."

SECTION 7.

Said chapter is further amended in Code Section 40-5-28, relating to the contents of drivers' licenses and prohibition of biological identifiers, by revising subsection (a) as follows:

"(a) The department shall, upon payment of the required fee, issue to every applicant qualifying therefor a driver's license indicating the type or general class of vehicles the licensee may drive, which license shall be upon a form prescribed by the department and which shall bear thereon a distinguishing number assigned to the licensee, a color photograph of the licensee, the licensee's full legal name, either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with a pen and ink immediately upon receipt of the license, and such other information or identification as is required by the department. No license shall be valid until it has been so signed by the licensee. The department shall not require applicants to submit or otherwise obtain from applicants any fingerprints or any other biological characteristic or information which uniquely identifies an individual, including without limitation deoxyribonucleic acid (DNA) and retinal scan identification characteristics but not including a photograph, by any means upon application."

SECTION 8.

Said chapter is further amended in Code Section 40-5-32, relating to the expiration and renewal of drivers' licenses, by revising subsection (a) as follows:

"(a)(1) Except as otherwise provided in this Code section, every driver's license shall expire on the licensee's birthday in the fifth year following the issuance of such license. Notwithstanding the foregoing, any commercial license that contains an H or X

endorsement as defined in subsection (c) of Code Section 40-5-150 shall expire on the date of expiration of the licensee's security threat assessment conducted by the Transportation Security Administration of the United States Department of Homeland Security. An applicant for a Class ~~A, B~~, C, E, F, or M noncommercial driver's license who is under age 60 shall at the applicant's option apply for a license which shall expire on the licensee's birthday in the fifth or ~~tenth~~ eightth year following the issuance of such license. Every such license shall be renewed on or before its expiration upon application, payment of the required fee, and, if applicable, satisfactory completion of the examination required or authorized by subsection (c) of this Code section.

(2) Except as otherwise provided by subsection (c) of this Code section, every veteran's or honorary license shall ~~be valid~~ expire on the licensee's birthday in the eighth year following the issuance thereof until the holder reaches age 65 and shall thereafter be subject to renewal pursuant to paragraph (1) of this subsection on or before his or her birthday every five years. The department may allow a veteran or honorary license holder to retain his or her expired veteran's or honorary license as a souvenir.

(3) The commissioner shall issue such rules and regulations as are required to enforce this subsection."

SECTION 9.

Said chapter is further amended by revising subsection (b) of Code Section 40-5-53, relating to the service of notice of suspensions by courts to the department, as follows:

"(b) Every court in each county of this state having jurisdiction over offenses committed under this chapter and Chapter 6 of this title or any other law of this state or ordinance adopted by a local authority regulating the operation of motor vehicles on highways shall forward to the department, within ten days after the conviction of any person in such court for a violation of any such law other than regulations governing speeding in a noncommercial motor vehicle for which no points are assigned under Code Section 40-5-57, standing, or parking, a uniform citation form authorized by Article 1 of Chapter 13 of this title. Notwithstanding any other provision of this title, in satisfaction of the reporting requirement of this subsection, the courts of this state shall transmit the information contained on the uniform citation form by electronic means, using the electronic reporting method approved by the department. Subject to appropriations by the General Assembly, the ~~The~~ department shall pay to the clerk of the court forwarding the required report 40¢ for each report transmitted electronically in a timely manner as required in this subsection; and notwithstanding any general or local law to the contrary, the clerk shall pay such fees over to the general fund of the city or county operating the court."

SECTION 10.

Said chapter is further amended in Code Section 40-5-63, relating to periods of license suspensions and conditions prior to return of license, by revising subsection (a) as follows:

"(a) The driver's license of any person convicted of an offense listed in Code Section 40-5-54 or of violating Code Section 40-6-391, unless the driver's license has been previously suspended pursuant to Code Sections 40-5-67.1 and 40-5-67.2, shall by operation of law be suspended and such suspension shall be subject to the following terms and conditions; provided, however, that any person convicted of a drug related offense pursuant to Code Section 40-6-391 shall be governed by the suspension requirements of Code Section 40-5-75; and further provided that each charge for which a conviction was obtained shall be treated as a separate transaction for the purpose of imposing a license suspension hereunder, even if said convictions arise from a single incident; and further provided that the department shall treat each conviction received in the order in which said convictions are processed even if it is not the order in which said offenses occurred:"

SECTION 11.

Said chapter is further amended in Code Section 40-5-64, relating to limited driving permits for certain offenders, by revising subsections (d) and (e) as follows:

"(d) *Conditions attached.* A limited driving permit shall be endorsed with such conditions as the commissioner deems necessary to ensure that such permit will be used by the permittee only to avoid the conditions of extreme hardship. Such conditions may include the following restrictions:

- (1) Specific places between which the permittee may be allowed to operate a motor vehicle;
- (2) Routes to be followed by the permittee;
- (3) Times of travel;
- (4) The specific vehicles which the permittee may operate;
- (4.1) The installation and use of an ignition interlock device in accordance with Article 7 of Chapter 8 of Title 42, which shall be required for any permittee who is applying for an ignition interlock limited driving permit; and
- (5) Such other restrictions as the department may require.

(e) *Fees, duration, renewal, and replacement of permit.* A permit issued pursuant to this Code section shall be \$25.00 and shall become invalid upon the driver's eighteenth birthday in the case of a suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year following issuance thereof in the case of a suspension for an offense listed in Code Section 40-5-54 or a suspension under Code Section 40-5-57, or a suspension in accordance with paragraph (1) of subsection (a) of

Code Section 40-5-63 for a violation of Code Section 40-6-391, upon the expiration of 30 days in the case of an administrative license suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2, or upon the expiration of six months following proof of installation of an ignition interlock device in the case of a limited driving permit issued to a person subject to a court order for installation and use of such a device pursuant to Article 7 of Chapter 8 of Title 42; except that such limited driving permit shall expire upon any earlier reinstatement of the driver's license. A person may apply to the department for a limited driving permit immediately following such conviction if he or she has surrendered his or her driver's license to the court in which the conviction was adjudged or to the department if the department has processed the citation or conviction. Upon the applicant's execution of an affidavit attesting to such facts and to the fact that the court had not imposed a suspension or revocation of his or her driver's license or driving privileges inconsistent with the driving privileges to be conferred by the limited driving permit applied for, the department may issue such person a limited driving permit. Permits issued pursuant to this Code section are renewable upon payment of a renewal fee of \$5.00. Permits may be renewed until the person has his or her license reinstated for the violation that was the basis of the issuance of the permit. Upon payment of a fee in an amount the same as that provided by Code Section 40-5-25 for issuance of a Class C driver's license, a person may be issued a replacement for a lost or destroyed ~~probationary driver's license~~ limited driving permit issued to him or her."

SECTION 12.

Said chapter is further amended in Code Section 40-5-75, relating to license suspensions by operation of law for drug convictions, by enacting a new subsection (a.1) and revising subsection (i) as follows:

"(a.1) Any permittee who is convicted of violating any state law or local ordinance relating to the movement of vehicles or any permittee who is convicted of violating the conditions endorsed on his or her permit shall have his or her permit revoked by the department. Any court in which such conviction is had shall require the permittee to surrender the permit to the court, and the court shall forward it to the department within ten days after the conviction, with a copy of the conviction. Any person whose limited driving permit has been revoked shall not be eligible to apply for a driver's license until six months from the date such permit was surrendered to the department."

"(i) Notwithstanding any other provision of this chapter to the contrary, the suspension imposed pursuant to this Code section shall be in addition to and run consecutively to any other suspension imposed by the department at the time of the conviction that results in said suspension. If the person has never been issued a driver's license in the State of

344 Georgia or holds a driver's license issued by another state, the person shall not be eligible
345 for a driver's license for the applicable period of suspension following his or her
346 submission of an application for issuance thereof."

347 **SECTION 13.**

348 Said chapter is further amended in Code Section 40-5-82, relating to driver improvement
349 clinics, by revising subsection (e) as follows:

350 "(e) The department shall conduct a records check for any applicant for certification as an
351 operator, director, or instructor of a DUI Alcohol or Drug Use Risk Reduction Program.
352 Each applicant shall submit ~~two sets~~ at least one set of classifiable fingerprints to the
353 department in accordance with the fingerprint system of identification established by the
354 director of the Federal Bureau of Investigation. The department shall transmit ~~both sets of~~
355 the fingerprints to the Georgia Crime Information Center, which shall submit one set of the
356 fingerprints to the Federal Bureau of Investigation for a search of bureau records and an
357 appropriate report and shall retain one set and promptly conduct a search of state records
358 based upon the fingerprints. After receiving the report from the Georgia Crime
359 Information Center and the Federal Bureau of Investigation, the department shall determine
360 whether the applicant may be certified. No applicant shall be certified who has previously
361 been convicted of a felony. The department shall promulgate rules and regulations
362 regarding certification requirements, including restrictions regarding misdemeanor
363 convictions. No applicant shall be certified unless he or she is a United States citizen, or
364 if not a citizen, he or she presents federal documentation verified by the United States
365 Department of Homeland Security to be valid documentary evidence of lawful presence
366 in the United States under federal immigration law."

367 **SECTION 14.**

368 Said chapter is further amended in Code Section 40-5-83, relating to establishment and
369 approval of driver improvement clinics and programs, by enacting a new subsection (f) as
370 follows:

371 "(f)(1) Each applicant for certification to own or operate a driver improvement clinic
372 shall submit at least one set of classifiable electronically recorded fingerprints to the
373 department in accordance with the fingerprint system of identification established by the
374 director of the Federal Bureau of Investigation. The department shall transmit the
375 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
376 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
377 report, and promptly conduct a search of state records based upon the fingerprints. After

receiving the report from the Georgia Crime Information Center and the Federal Bureau of Investigation, the department shall determine whether the applicant may be certified.

(2) No applicant shall be certified unless he or she is a United States citizen, or if not a citizen, he or she presents federal documentation verified by the United States Department of Homeland Security to be valid documentary evidence of lawful presence in the United States under federal immigration law."

SECTION 15.

Said chapter is further amended in Code Section 40-5-100, relating to the issuance of identification cards by the department, by revising paragraph (9) of subsection (a), subsection (b), and paragraph (1) of subsection (c) as follows:

"(9) ~~Location where the identification card was issued~~ Any other information or design requirement set forth in 49 U.S.C. Section 30301 note and 6 C.F.R. Section 37.01, et seq., if such identification card is intended to be compliant with such requirement;"

"(b) The identification card shall be valid for a period of five or ~~ten~~ eight years, at the option of the applicant, and shall bear the signatures of the commissioner and the Governor and shall bear an identification card number which shall not be the same as the social security number.

(c)(1) No person may possess more than one identification card issued pursuant to this Code section; provided, however, that this subsection shall not be construed to prevent a resident of this state who possesses a driver's license from also possessing an identification card issued under this article. Notwithstanding the foregoing, no person may be issued both a driver's license and an identification card that is compliant with the requirements of 49 U.S.C. Section 30301 note and 6 C.F.R. Section 37.01, et seq."

SECTION 16.

Said chapter is further amended in Code Section 40-5-103, relating to identification card fees, by revising subsection (a) as follows:

"(a) Except as provided in Code Section 40-5-21.1 and subsections (b) and (c) of this Code section, the department shall collect a fee of \$20.00 for a five-year card and a fee of ~~\$35.00~~ \$32.00 for a ~~ten-year~~ an eight-year card, which fee shall be deposited in the state treasury in the same manner as other motor vehicle driver's license fees."

SECTION 17.

Said chapter is further amended in Code Section 40-5-120, relating to unlawful use of drivers' licenses or identification cards, by deleting "or" at the end of paragraph (3), deleting

the period and inserting "; or" at the end of paragraph (4), and enacting a new paragraph (5) as follows:

"(5) Scan another person's driver's license, permit, or identification card without the person's prior knowledge and consent. If a person consents to the scanning of his or her driver's license, permit, or identification card, the information collected may be stored and used for any legitimate purpose. Each unlawful act of storage, disclosure, or usage in violation of this paragraph shall be considered a separate violation of this Code section. This prohibition shall not apply to law enforcement officers or any governmental entity that scans a driver's license, permit, or identification card to verify the contents thereof or to gather information for use for any governmental purpose."

SECTION 18.

Said chapter is further amended in Code Section 40-5-150, relating to the contents of commercial drivers' licenses, including endorsements and restrictions, by revising paragraph (10) of subsection (a) as follows:

"(10) ~~The license fee and fees for any endorsements~~ Any other information or design requirement set forth in 49 U.S.C. Section 30301 note and 6 C.F.R. Section 37.01, et seq., if such identification card is intended to be compliant with such requirement."

SECTION 19.

Said chapter is further amended in Code Section 40-5-171, relating to the issuance and contents of identification cards for persons with disabilities, by revising subsection (a) and enacting a new subsection (c) as follows:

"(a) The department shall issue personal identification cards to persons with disabilities who make application to the department in accordance with rules and regulations prescribed by the commissioner. The identification card for persons with disabilities shall prominently display the international handicapped symbol and, in addition to any other information required by this article, may contain a recent color photograph of the applicant and the following information:

- (1) Full legal name;
- (2) Address of residence;
- (3) Birth date;
- (4) Date identification card was issued;
- (5) Date identification card expires;
- (6) Sex;
- (7) Height;
- (8) Weight;

(9) Eye color;

(10) ~~Location where the identification card was issued~~ Any other information or design requirement set forth in 49 U.S.C. Section 30301 note and 6 C.F.R. Section 37.01, et seq., if such identification card is intended to be compliant with such requirement;

(11) Signature of person identified or facsimile thereof; and

(12) Such other information as required by the department; provided, however, that the department shall not require an applicant to submit or otherwise obtain from an applicant any fingerprints or any other biological characteristic or information which uniquely identifies an individual, including without limitation deoxyribonucleic acid (DNA) and retinal scan identification characteristics but not including a photograph, by any means upon application."

"(c) In addition to the information required in subsection (a) of this Code section, identification cards issued to persons with disabilities shall display the international handicapped symbol on a location designated by the department. The department may display the international handicapped symbol on any driver's license or identification card issued pursuant to the provisions of this chapter upon receipt of the required documentation from the person requesting its inclusion."

SECTION 20.

Said chapter is further amended in Code Section 40-5-173, relating to the format of identification cards for persons with disabilities, by revising said Code section as follows:

"40-5-173.

The face of the identification card for persons with disabilities shall prominently bear ~~the words "URGENT MEDICAL INFORMATION ON REVERSE."~~ wording selected by the department that is indicative of the presence of urgent medical information on the reverse of the card. On the reverse side of the identification card shall be a space within which the ~~issuer of the card~~ department shall enter such medical information as the applicant may request. The department may print the urgent medical indicator and wording on the reverse of any driver's license or identification card upon receipt of the required documentation from the person requesting its inclusion."

SECTION 21.

Said chapter is further amended in Code Section 40-5-174, relating to identification cards for persons with disabilities with special transportation needs, by revising said Code section as follows:

479 "40-5-174.

480 The face of the identification card for persons with disabilities shall bear the word
481 'TRANSPORTATION' with a box or blank space adjacent thereto. The ~~issuer of the card~~
482 department shall place an 'X' in such box or blank space if the applicant's disability creates
483 mobility limitations which prevent him or her from climbing stairs or otherwise from
484 entering normally designed buses or other vehicles normally used for public transportation.
485 When so marked, the identification card for persons with disabilities shall serve as
486 sufficient proof of the need for special transportation services for persons with disabilities
487 provided by any entity in this state. The department may print the transportation indicator
488 on any driver's license or identification card upon receipt of the required documentation
489 from the person requesting its inclusion."

490 SECTION 22.

491 Said chapter is further amended in Code Section 40-5-175, relating to identification cards for
492 persons with disabilities with special seating needs at public events, by revising said Code
493 section as follows:

494 "40-5-175.

495 The identification card for persons with disabilities shall bear the word 'SEATING' with
496 a box or blank space adjacent thereto. The ~~issuer of the card~~ department shall place an 'X'
497 in such box or blank space if the applicant's disability creates mobility or health limitations
498 which prevent him or her from climbing stairs or steep inclines. When so marked, the
499 identification card for persons with disabilities shall be sufficient to admit the holder to
500 seating for persons with disabilities at public events in this state. The department may print
501 the priority seating indicator on any driver's license or identification card upon receipt of
502 the required documentation from the person requesting its inclusion."

503 SECTION 23.

504 Code Section 40-6-395 of the Official Code of Georgia Annotated, relating to fleeing or
505 attempting to elude a police officer and impersonating a law enforcement officer, is amended
506 by revising subparagraph (b)(5)(A) as follows:

507 "(5)(A) Any person violating the provisions of subsection (a) of this Code section who,
508 while fleeing or attempting to elude a pursuing police vehicle or police officer in an
509 attempt to escape arrest for any offense, other than a violation of this chapter; not
510 expressly provided for in this paragraph:

511 (i) Operates ~~operates~~ his or her vehicle in excess of ~~30~~ 20 miles an hour above the
512 posted speed limit;

513 (ii) Strikes ~~strikes~~ or collides with another vehicle or a pedestrian;

(iii) Flees ~~flees~~ in traffic conditions which place the general public at risk of receiving serious injuries;

(iv) Commits a violation of Code Section 40-6-391; or

(v) Leaves ~~leaves~~ the state

shall be guilty of a felony punishable by a fine of \$5,000.00 or imprisonment for not less than one year nor more than five years or both."

SECTION 24.

Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to prosecution of traffic offenses, is amended in Code Section 40-13-2.1, relating to signatures required on uniform traffic citations, by enacting a new subsection (c) as follows:

"(c) The signature of any person to whom a citation is issued may be captured electronically."

SECTION 25.

Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the Department of Driver Services, is amended in Code Section 40-16-4, relating to the powers and duties of the commissioner, by adding a new subsection to read as follows:

"(f) The department shall have the authority to contract and make cooperative agreements, contracts, and rental agreements with the United States government; any county, municipality, or local government, or any combination thereof; any public or private corporation or firm; or any public authority, agency, commission, or institution, including agencies of state government for the purpose of creating, designing, publishing, or distributing the department's drivers' manual or for the purpose of installing and maintaining closed circuit television systems."

SECTION 26.

Chapter 12A of Title 43 of the Official Code of Georgia Annotated, relating to ignition interlock device providers, is amended in Code Section 43-12A-6, relating to eligibility to operate an ignition interlock device provider center or to provide, install, or monitor ignition interlock devices, by deleting "and" at the end of paragraph (3), deleting the period and inserting "; or" at the end of subparagraph (B) of paragraph (4), and enacting new paragraphs (5) and (6) as follows:

"(5) Shall submit at least one set of classifiable electronically recorded fingerprints to the department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation. The department shall transmit the fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints

to the Federal Bureau of Investigation for a search of bureau records and an appropriate report, and promptly conduct a search of state records based upon the fingerprints. After receiving the report from the Georgia Crime Information Center and the Federal Bureau of Investigation, the department shall determine whether the applicant may be certified; and

(6) Shall be a United States citizen, or if not a citizen, present federal documentation verified by the United States Department of Homeland Security to be valid documentary evidence of lawful presence in the United States under federal immigration law."

SECTION 27.

Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors and operators of driver training schools, is amended in Code Section 43-13-4, relating to qualifications of driver training school operators, by deleting "and" at the end of paragraph (5), deleting the period and inserting "; and" at the end of paragraph (6), and enacting new paragraphs (7) and (8) as follows:

"(7) Submit at least one set of classifiable electronically recorded fingerprints to the department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation. The department shall transmit the fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints to the Federal Bureau of Investigation for a search of bureau records and an appropriate report, and promptly conduct a search of state records based upon the fingerprints. After receiving the report from the Georgia Crime Information Center and the Federal Bureau of Investigation, the department shall determine whether the applicant may be certified; and

(8) Be a United States citizen, or if not a citizen, present federal documentation verified by the United States Department of Homeland Security to be valid documentary evidence of lawful presence in the United States under federal immigration law."

SECTION 28.

Said chapter is further amended in Code Section 43-13-5, relating to qualifications for driver training school instructors, by deleting "and" at the end of paragraph (4), deleting the period and inserting "; and" at the end of paragraph (5), and enacting new paragraphs (6) and (7) as follows:

"(6) Submit at least one set of classifiable electronically recorded fingerprints to the department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation. The department shall transmit the fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints

to the Federal Bureau of Investigation for a search of bureau records and an appropriate report, and promptly conduct a search of state records based upon the fingerprints. After receiving the report from the Georgia Crime Information Center and the Federal Bureau of Investigation, the department shall determine whether the applicant may be certified; and

(7) Be a United States citizen, or if not a citizen, present federal documentation verified by the United States Department of Homeland Security to be valid documentary evidence of lawful presence in the United States under federal immigration law."

SECTION 29.

Said chapter is further amended in Code Section 43-13-6.1, relating to qualifications for alcohol and drug awareness program instructors, by revising said Code section as follows:

"43-13-6.1.

(a) The commissioner shall be authorized to issue a special license to the instructor of any driver training school who is qualified to teach the alcohol and drug course prescribed in subsection (b) of Code Section 20-2-142. A driver training school shall offer such alcohol and drug course only through a qualified instructor and shall not charge a fee for such course of more than \$25.00.

(b) Each applicant shall submit at least one set of classifiable electronically recorded fingerprints to the department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation. The department shall transmit the fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints to the Federal Bureau of Investigation for a search of bureau records and an appropriate report, and promptly conduct a search of state records based upon the fingerprints. After receiving the report from the Georgia Crime Information Center and the Federal Bureau of Investigation, the department shall determine whether the applicant may be certified.

(c) The commissioner shall not issue a special license to any applicant unless he or she is a United States citizen, or if not a citizen, he or she presents federal documentation verified by the United States Department of Homeland Security to be valid documentary evidence of lawful presence in the United States under federal immigration law."

SECTION 30.

Chapter 7 of Title 46 of the Official Code of Georgia Annotated, relating to limousine carriers, is amended in Code Section 46-7-85.10, relating to eligibility for a chauffeur's permit, by revising said Code section as follows:

"46-7-85.10.

In order to secure a chauffeur's permit, an applicant must provide the following information on a form provided by the commissioner of driver services. The applicant must:

(1) Be at least 18 years of age;

(2) Possess a valid Georgia driver's license which is not limited as defined in Code Section 40-5-64; and

~~(3)(A) Not have been convicted, been on probation or parole, or served time on a sentence for a period of five ten years previous to the date of application for the violation of any of the following criminal offenses of this state or any other state or of the United States: criminal homicide, rape, aggravated battery, mayhem, burglary, aggravated assault, kidnapping, robbery, driving a motor vehicle while under the influence of intoxicating beverages or drugs, child molestation, any sex related offense, leaving the scene of an accident, criminal solicitation to commit any of the above, any felony in the commission of which a motor vehicle was used, perjury or false swearing in making any statement under oath in connection with the application for a chauffeur's permit, any law involving violence or theft, or possession, sale, or distribution of narcotic drugs, barbituric acid derivatives, or central nervous system stimulants; provided, however, that all applicants shall be entitled to the full benefits of Article 3 of Chapter 8 of Title 42, relating to first offender probation~~ any felony or any other crime of moral turpitude, or a pattern of misdemeanors that evidences a disregard for the law unless he or she has received a pardon and can produce evidence of same. For the purposes of this paragraph, a plea of nolo contendere shall be considered to be a conviction, and a conviction for which a person has been free from custody and free from supervision for at least ten years shall not be considered, unless the conviction is for a sexually violent offense which is contained in Code Section 42-1-12 or the criminal offense was committed against a victim who was a minor at the time of the offense

~~(B) If at the time of application the applicant is charged with any of the offenses described in subparagraph (A) of this paragraph, consideration of the application shall be suspended until entry of a plea or verdict or dismissal.~~

~~(C) If after the issuance of a permit a person is charged with any of the offenses described in subparagraph (A) of this paragraph, the permit shall be suspended pending disposition of such charge. If the person is convicted of such charge, the permit shall be revoked.~~

~~(D) For purposes of this paragraph, a plea of nolo contendere to any of the offenses set out in this paragraph shall constitute a conviction;~~

(4) Submit at least one set of classifiable electronically recorded fingerprints to the department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation. The department shall transmit the

655 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
656 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
657 report, and promptly conduct a search of state records based upon the fingerprints. After
658 receiving the report from the Georgia Crime Information Center and the Federal Bureau
659 of Investigation, the department shall determine whether the applicant may be certified;
660 and
661 (5) Be a United States citizen, or if not a citizen, present federal documentation verified
662 by the United States Department of Homeland Security to be valid documentary evidence
663 of lawful presence in the United States under federal immigration law."

664 **SECTION 31.**

665 Said chapter is further amended by adding a new Code section to read as follows:

666 "46-7-92.

667 Any carrier subject to the jurisdiction of the commission that transports passengers shall
668 comply with the provisions of paragraph (1) of subsection (a) of Code Section 3-3-23,
669 concerning consumption of alcoholic beverages by persons under the age of 21. The
670 commission shall provide to all carriers under its jurisdiction that transport passengers, at
671 the time of registration or renewal of a certificate, an informational packet emphasizing the
672 prohibition on alcohol consumption by persons under the age of 21 while being transported
673 by the carrier."

674 **SECTION 32.**

675 Section 23 of this Act shall become effective upon its approval by the Governor or upon its
676 becoming law without such approval and shall apply to offenses committed on or after such
677 date. All other sections of this Act shall become effective on January 1, 2010.

678 **SECTION 33.**

679 All laws and parts of laws in conflict with this Act are repealed.